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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 JOSE ANGEL GABRIEL GARCIA,

11 Plaintiff,

12 v.

13 EXPERIAN,

14 Defendant.
15

Case No. C18-00005 RSM

ORDER OF DISMISSAL

16 This matter comes before the Court *sua sponte* on the Court's Order to Show Cause.
17 Dkt. #5. *Pro se* Plaintiff Jose Angel Gabriel Garcia has been granted leave to proceed *in forma*
18 *pauperis* in this matter. Dkt. #3. The Complaint was posted on the docket on January 12,
19 2018. Dkt. #4. Summons has not yet been issued.
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21 Plaintiff, a Washington State resident, brings this action against Experian, the credit
22 reporting agency, located in Texas. Dkt. #4 at 1–2. The only stated basis for this Court's
23 jurisdiction is diversity of citizenship. *Id.* at 3. However, the amount in controversy is stated in
24 the Complaint as \$40,000, and Plaintiff seeks in relief only \$40,000. *Id.* Under "Statement of
25 Claim," Plaintiff writes only that "Defendant has been responsible for the denial of 4 loans."
26 *Id.* at 5.
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1 On January 22, 2018, the Court issued an Order to Show Cause. Dkt. #5. In that Order,
2 the Court noted that the amount in controversy is less than the statutory requirement for
3 diversity jurisdiction. *Id.* Furthermore, the Court stated that Plaintiff does not support his
4 claims with sufficient facts to establish a claim, or reference any cause of action or legal basis
5 for his suit. *Id.* The Court ordered Plaintiff to respond with a “short and plain statement telling
6 the Court (1) how he could amend his Complaint, consistent with the facts already pled, to
7 create subject matter jurisdiction, and (2) why this case should not be dismissed as frivolous.”
8 *Id.* The Court warned that Plaintiff’s Complaint suffers from deficiencies that, if not
9 adequately addressed, would require dismissal. *Id.* (citing Fed. R. Civ. P. 12(h)(3); 28 U.S.C. §
10 1915(e)(2)(B)).
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13 The Court has received Plaintiff’s Response. Dkt. #7. Plaintiff states “[f]urthermore
14 because of defendant’s complete disregard for Federal law, plaintiff has suffered extensive
15 financial damage in the form of lost Credit opportunities in the amount of \$75000, which also
16 translate to housing and employment Opportunities.” *Id.* at 1. Plaintiff makes no further
17 mention of his damages or why they meet the statutory amount requirement. Plaintiff mentions
18 several sources of law, including federal statutes, but does not clearly connect specific actions
19 of Defendants with those laws and the damages Plaintiff incurred.
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21 To establish subject matter jurisdiction on the basis of diversity, the plaintiff must show
22 an amount in controversy in excess of \$75,000. 28 U.S.C. § 1332. Federal Rule of Civil
23 Procedure 12(h)(3) provides that the Court must dismiss an action if it determines, at any time,
24 that it lacks subject matter jurisdiction. This issue can be raised *sua sponte*. Furthermore, the
25 Court will dismiss a Complaint at any time if the action fails to state a claim, raises frivolous or
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1 malicious claims, or seeks monetary relief from a defendant who is immune from such relief.
2 *See* 28 U.S.C. § 1915(e)(2)(B).

3 The Court has reviewed the Complaint, Plaintiff's Response, and the remainder of the
4 record and finds that Plaintiff has failed to submit adequate evidence to support the conclusion
5 that this Court has subject matter jurisdiction over his claims. Plaintiff's new statement that his
6 damages are "in the amount of \$75000" directly contradicts the allegations of his Complaint
7 stating that he suffered \$40,000 in damages and Plaintiff does not explain this contradiction or
8 provide details as to how he calculated the \$75,000 figure. Furthermore, the Court concludes
9 that the claims as pled are so unclear as to be frivolous. Given all of this, dismissal without
10 prejudice is warranted. *See* Fed. R. Civ. P. 12(h)(3); 28 U.S.C. § 1915(e)(2)(B).
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12 Accordingly, the Court hereby finds and ORDERS:
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- 14 1) Plaintiff's claims are DISMISSED without prejudice.
- 15 2) This matter is CLOSED.
- 16 3) The Clerk shall send a copy of this Order to Plaintiff at 509 THIRD AVENUE
17 #711, SEATTLE, WA 98104.
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20 DATED this 15th day of January 2018.
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23 RICARDO S. MARTINEZ
24 CHIEF UNITED STATES DISTRICT JUDGE
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